

IN THE DE JURE UNITED STATES DISTRICT COURT  
DISTRICT OF NORTH CAROLINA  
WILMINGTON, NORTH CAROLINA

RECEIVED

MAR 27 2017

Joyce Loney and

Harold Loney

Counterclaimant

v.

FILE ON DEMAND

CASE NO: 7:17-cv-38-D

WRIT OF ERROR QUA CORUM NOBIS  
RESIDANT

STATE OF NORTH CAROLINA  
USAA FEDERAL SAVINGS BANK  
COUNTY OF CLARK  
JPMORGAN CHASE BANK, N.A.  
SELECT PORTFOLIO SERVICING, INC.

STUART PARKER  
MARK SCHRON  
JANIS REEDER  
BROOKS PIERCE LAW FIRM  
REID PHILLIPS  
MATTHEW TYNAN  
EDWIN WEST  
MIDDLE DISTRICT COURT  
JOE WEBSTER  
CATHERINE EAGLES  
STEPHINE HUMBRICKHOUSE  
BRUNSWICK COUNTY SUPERIOR COURT  
JERRY JOLLY  
JAMES MACCALLIUM  
DAVIDSON COUNTY SUPERIOR COURT  
DAVIDSON COUNTY  
MARKEY E. KLASS  
BRIAN SHIPWASH  
JOHN BRUBAKER  
AMERICAN ARBITRATOR ASSOCIATION  
JAMES F. PETELLE  
ASSOCIATES ASSET RECOVERY  
TAMMY REASON  
JONATHAN REICH  
PATRICK SPRAUGH  
WOMBLE CARYLE SANDRIDGE & RICE

Counterdefendants

Writ of Error Qua Corum Nobis Residant

Writ of Error Qua Corum Nobis  
Residant

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1. THE COURT COMES NOW, ON ITS OWN MOTION, TO review the facts, record, and process resulting in the “minute order” in which the clerk of court transferred this claim to another court proceeding independently on her own without counterclaimants permission or leave from court and did not have authority to do so.

### SUMMARY

2. On the 24 th, day of February, 2017 contrary to the requirements of a de jure court of record, Catherine Eagles, hereinafter Eagles, the jusge, who is not on a valid oath of office (discuss below) assumed the mantle of a tribunal and proceeded independently. The purpose of this writ is to restore the orderly decorum of the court and to correct the defective impromptu process and usurpation of legislative and court powers taken by the jusge without leave of court.
3. The clerk of a court, like the Recorder is required to accept documents filed. It is not incumbent upon him to judicially determine the legal significance of the tendered documents. *In re Halladjian*, 174 F. 834 (C.C.Mass.1909); *United States, to Use of Kinney v. Bell*, 127 F. 1002 (C.C.E.D.Pa.1904); *State ex rel. Kaufman v. Sutton*, 231 So.2d 874 (Fla.App.1970); *Malinou v. McElroy*, 99 R.I. 277, 207 A.2d 44 (1965); *State ex rel. Wanamaker v. Miller*, 164 Ohio St. 176, 177, 128 N.E.2d 110 (1955.) (*Daniel K. Mayers Et Al, v. Peter S. Ridley Et Al*. No. 71-1418 (06/30/72, United States Court of Appeals for the DC Circuit.) [emphasis added].)
4. This court has great admiration for the magistrates. Their training, experience and wisdom are of great value in guiding this court toward a just resolution of issues.
  - But, we are mindful of the wisdom of Thomas Jefferson when he said, “We all know that permanent judges acquire an esprit de corps; that being known, they are liable to be tempted by bribery; that they are misled by favor, *by relationship*, by a spirit of party, by a devotion to the executive or legislative; that it is better to leave a cause to the decision of cross and pile<sup>1</sup> than to that of a judge biased to one side.”<sup>2</sup>
5. It is, in part, with that inspiration that this court is established as a court of record.<sup>3</sup>

### DETAIL

6. The following is organized into three sections:
7. I. Judicial cognizance
8. II. Findings of facts, Discussion and Conclusion of Law

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9. III. Impeachment and Writ

**I. Judicial Cognizance**

10. This court takes judicial cognizance of and decrees the following:
11. JUDICIAL COGNIZANCE: Judicial notice, or knowledge upon which a judge is bound to act without having it proved in evidence. [Black's Law Dictionary, 5<sup>th</sup> Edition, page 760.]
12. The people of North Carolina do not waive their sovereignty to the agencies that serve them being the sovereigns who ordained and established the Constitution for the North Carolina state.<sup>4</sup>
13. Two distinguishing and critical characteristics of a court of record are: A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, AND Proceeding according to the course of common law.
14. On the 13<sup>th</sup> day of July, 2017, Eagles issued a show cause "ordering" claimants to show cause and entered a judgment against countclaimants and to turn over the possession of property and to prevent countreclamants from filing any further papers in any courts against counterdefendants, Eagles goes don't have jurisdiction over the counterclaimants.
15. Again, on the 23<sup>rd</sup> day of January, 2017, Eagles issued a writ of assistance from US Marshalls to force counterclaimants to tturn over property, this after counterclaimants challenged jurisdiction..
16. Eagles has not answered counterclaimants demand for proof of her jurisdiction over counterclaimants.
17. All political power is vested in and derived from the people; all government, of right, originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.<sup>5</sup>
18. The people of this state have the sole and exclusive right of governing themselves, as a free, sovereign and independent state; and to alter and abolish their constitution and form of government whenever they

<sup>4</sup> We the people of the State of North Carolina Grateful to Almighty God for our freedom in order to secure its blessings, insure domestic tranquility, and form a more perfect Government, do establish this Constitution.

<sup>5</sup> North Carolina Constitution, Section 1. Inalienable rights. All men are by Nature free and equal and have certain inalienable rights among which are those of enjoying and defending life and liberty; Acquiring, Possessing and Protecting property and pursuing and obtaining safety and happiness[.]North Carolina Constitution, Section 2, All political power is inherent in the people[.] Government is instituted for the protection, security and benefit of the people;.

may deem it necessary to their safety and happiness, provided such change be not repugnant to the constitution of the United States.<sup>6</sup>

19. "...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves...." [CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL (1793) pp471-472.]
20. "The very meaning of 'sovereignty' is that the decree of the sovereign makes law." [American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.]
21. "The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative." [Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am.Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7.]
22. "A consequence of this prerogative is the legal *ubiquity* of the king. His majesty in the eye of the law is always present in all his courts, though he cannot personally distribute justice. (Fortesc.c.8. 2Inst.186) His judges are the mirror by which the king's image is reflected." 1 Blackstone's Commentaries, 270, Chapter 7, Section 379.
23. North Carolina Constitution, Section 1. Inalienable rights. All men are by Nature free and equal and have certain inalienable rights among which are those of enjoying and defending life and liberty; Acquiring, Possessing and Protecting property and pursuing and obtaining safety and happiness[.]  
North Carolina Constitution, Section 2, All political power is inherent in the people[.] Government is instituted for the protection, security and benefit of the people;.
24. "The state cannot diminish rights of the people." [Hertado v. California, 100 US 516.]
25. "The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice." [Davis v. Wechsler, 263 US 22, 24.]
26. "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." [Miranda v. Arizona, 384 US 436, 491.]
27. "There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights."  
[Sherar v. Cullen, 481, F 946.]

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<sup>6</sup> North Carolina Constitution, Section 2, All political power is inherent in the people[.] Government is instituted for the protection, security and benefit of the people;.

28. "Republican government. One in which the powers of sovereignty are vested in the people and are exercised by the people, **either directly**, or through representatives chosen by the people, to whom those powers are specially delegated." [In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627." Black's Law Dictionary, Fifth Edition, p. 626.]
29. "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby; any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." [Constitution for the United States of America, Article VI, Clause 2.]
30. "COURT. The person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, wherever that may be." [Black's Law Dictionary, 5th Edition, page 318.]
31. "COURT. An agency of the sovereign created by it directly or indirectly under its authority, consisting of one or more officers, established and maintained for the purpose of hearing and determining issues of law and fact regarding legal rights and alleged violations thereof, and of applying the sanctions of the law, authorized to exercise its powers in the course of law at times and places previously determined by lawful authority." [Isbill v. Stovall, Tex.Civ.App., 92 S.W.2d 1067, 1070; Black's Law Dictionary, 4th Edition, page 425]
32. "COURT OF RECORD. To be a court of record a court must have four characteristics, and may have a fifth. They are:
33. **A.** A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]
34. **B.** Proceeding according to the course of common law [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]

35. C. Its acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231]
36. D. Has power to fine or imprison for contempt. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426]
37. E. Generally possesses a seal.” [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426]
38. “...our justices, sheriffs, mayors, and other ministers, which under us have the laws of our land to guide, shall allow the said charters pleaded before them in judgement in all their points, that is to wit, the Great Charter as the common law....” [Confirmatio Cartarum, November 5, 1297" "Sources of Our Liberties" Edited by Richard L. Perry, American Bar Foundation.]
39. “Henceforth the writ which is called Praeceptum shall not be served on any one for any holding so as to cause a free man to lose his court.” Magna Carta, Article 34.
40. “Trespass. Any misfeasance or act of one man whereby another is injuriously treated or damnified.” 3 Bl. Comm. 208 An injury or misfeasance to the person, or rights of another person, done with force and violence, either actual or implied in law.”<sup>7</sup>
41. “**Trespass.** In its more limited and ordinary sense, it signifies an injury committed with violence, and this violence may be either actual or implied; and the law will imply violence though none is actually used...”<sup>8</sup>
42. “Inferior courts” are those whose jurisdiction is limited and special and whose proceedings are not according to the course of the common law.” Ex Parte Kearny, 55 Cal. 212; Smith v. Andrews, 6 Cal. 652; “Criminal courts proceed according to statutory law. Jurisdiction and procedure is defined by statute.

<sup>7</sup> Black's Law Dictionary 2<sup>nd</sup> Ed. Pg. 1171

<sup>8</sup> Black's Law Dictionary 2<sup>nd</sup> Ed. Pg. 1171

Likewise, civil courts and admiralty courts proceed according to statutory law. Any court proceeding according to statutory law is not a court of record (which only proceeds according to common law); it is an inferior court.”

43. “However, no statutory or constitutional court (whether it be an appellate or supreme court) can second guess the judgment of a court of record. ‘The judgment of a court of record whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it.’” Ex parte Watkins, 3 Pet., at 202-203. [cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973)]

44. "The people have succeeded to the rights of the king, the former sovereign of this state. They being expressly named... The People are not expressly included in the general provisions are not, therefore, bound by general words in a statute restrictive of prerogative, without of the act, and nothing shall be taken against them by implication. Where the People are not named they are not bound.... but he cannot be divested of any right, power or interest, unless the statute is made by express words to extend to him... It is a maxim of the common law, that when an act of parliament is made for the public good, the advancement of religion and justice, and to prevent injury and wrong, the King shall be bound by such act, though not named; but when a statute is general, and any prerogative right, title or interest would be divested or taken from the King, in such case he shall not be bound, unless the statute is made by express words to extend to him." (The People v. Herkimer, 4 Cowen (NY) 345, 348 (1825).

45. “The United States Supreme Court has clearly, and repeatedly, held that any judge who acts without jurisdiction is engaged in an act of treason.” U.S. v. Will, 449 U.S. 200, 216, 101, S. Ct. 471, 66 L.Ed. 2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821).

## **II. Findings of Fact, Discussion and Conclusion of Law**

46. The record shows the counterclaimants Loney’s filed an action against counterdefandts named herein;

47. The record shows that clerk of court and Eagles assumed the duties of the tribunal without leave of court, or permission from the counterclaimants and issued an order citing opinion contrary to this court of record filed on on the 22<sup>nd</sup> day of February, 2017.
48. The record shows again that Eagles interfered with court procedure and filed a supplemental order document purporting to be an order on the 24<sup>th</sup> day of February warning countecomplaints to cease and desist of filing in the court or record or face contempt proceedings.
49. The record shows that the clerk accepted these documents filed them in the proper court then transferred them to judge Eagles court, even though the judge is not on a valid oath.
50. The record shows that claimantclaimants has filed an “action at law” on February 22, 2017.
51. As anyone with the slightest knowledge of law knows, an action at law filed in court of record, cannot be transferred to another court without leave or permission from counterclaimants.
52. The genius of a court of record is not to be undermined. It is the birthright of every American to settle issues in a court of record, if he so chooses. That choice has been made in this matter, and has been so stated in the first paragraph in this action.
53. The judge and clerk are a persons appointed or elected to perform ministerial service in a court of record<sup>9</sup> because all judicial functions in a court of record are reserved to the tribunal, which must be independent of the judge.
54. The judge of this court has usurped the independent powers of the tribunal of this court of record by making, under color of law<sup>10</sup>, discretionary “judgments” which are reserved to and should have been made by the tribunal independently of the person of the clerk designated generally to merely file documents for the court.<sup>11</sup>
55. On February 22, 2017 counterclaimants Loney’s filed a counterclaim consisting of Actions for Trespass and

Actions for Trespass on the Case for damages. The opening sentence decreed, “Comes now, Joyce and

<sup>9</sup> Official's duty is “ministerial” when it is absolute, certain and imperative, involving merely execution of a specific duty arising from fixed and designated facts. (Long v. Seabrook, 260 S.C. 562, 197 S.E. 2d 659, 662; Black's Law Dictionary, Fifth Edition, page 899)

<sup>10</sup> 18 USC 242 makes deprivation of rights under color of law a felony punishable up to 20 years in prison.

<sup>11</sup> One characteristic of a court of record: A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it [Jones v. Jones, 188 Mo. App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]



Harold Loney, ("Loney") a people of North Carolina, hereinafter counterclaimants, in this court of record and complains of each of the following:....."

56. The judge has no authority to act as the tribunal in a court of record. "The United States Supreme Court has clearly, and repeatedly, held that any judge who acts without jurisdiction is engaged in an act of treason." U.S. v. Will, 449 U.S. 200, 216, 101, S. Ct. 471, 66 L.Ed. 2d 392, 406 (1980): Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821).
57. Nowhere did Judge object to the counterclaimant being a people of North Carolina. Nor did Eagles object to the court being a court of record.
58. At no time did any of the defendants object to the court being a court of record.
59. It is the design of our system of jurisprudence that courts have no jurisdiction until a party comes forth and declares a cause needing resolution. The particular jurisdiction depends on how the cause is declared by the claimant(s), counterclaimant(s), plaintiff(s) or counterplaintiff(s). Jurisdiction may be administrative, at law, in equity, or in any of many other formats. In this case the jurisdiction is at law in a court of record under the sovereign authority of the people.
60. Official's duty is "ministerial" when it is absolute, certain and imperative, involving merely execution of a specific duty arising from fixed and designated facts. (Long v. Seabrook, 260 S.C. 562, 197 S.E. 2d 659, 662; Black's Law Dictionary, Fifth Edition, page 899)
61. 18 USC 242 makes deprivation of rights under color of law a felony punishable up to 20 years in prison.
62. One characteristic of a court of record: A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it [Jones v. Jones, 188 Mo. App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]
63. It is essential to understand what are a sovereign, a judge, a court, and a court of record.
64. A court is "The person and suit of the sovereign."<sup>12</sup>
65. The sovereign is the people either in plural <sup>13</sup> or in the singular capacity. <sup>14</sup> Singular capacity in this case is Joyce and Harold Loney, a people as contemplated in the Constitution for The United States of America and the North Carolina Constitution of 1876.

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<sup>12</sup> Black's Law Dictionary, 4th Ed., 425, 426

<sup>13</sup> PEOPLE, n. [L. *populus*.] The body of persons who compose a community, town, city or nation. We say, the people of a town; the people of London or Paris; the English people. In this sense, the word is not used in the plural, but it comprehends all classes of inhabitants, considered as a collective body,... Webster's 1828 Dictionary

<sup>14</sup> PEOPLE.... Considered as.... Any portion of the inhabitants of a city or country. Ibid.

66. North Carolina, the State of North Carolina and the United States of America have no general sovereignty. Theirs is a clipped sovereignty. Whatever sovereignty they have is limited to their constitutionally defined spheres of control. The general sovereignty is reserved to the people without diminishment.<sup>15</sup> When a state attempted to diminish one's rights, it was determined that the state could not diminish rights of the people.<sup>16</sup>
67. It is by the prerogative of the sovereign<sup>17</sup> whether and how a court is authorized to proceed. In this case, the chosen form of the court is that of a court of record.
68. Black's Law Dictionary, 4th Ed., 425, 426
69. PEOPLE, n. [L. populus.] The body of persons who compose a community, town, city or nation. We say, the people of a town; the people of London or Paris; the English people. In this sense, the word is not used in the plural, but it comprehends all classes of inhabitants, considered as a collective body,... Webster's 1828 Dictionary
70. PEOPLE.... Considered as.... Any portion of the inhabitants of a city or country. Ibid.
71. "...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves" CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL 1793 pp471-472 "The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. Through the medium of their Legislature they may exercise all the powers which previous to the Revolution could have been exercised either by the King alone, or by him in conjunction with his Parliament;..." Lansing v. Smith, 4 Wendell 9 (N.Y.) (1829), 21 American Decision 89; 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 1'67; 48 C Wharves Sec. 3, 7.

<sup>15</sup> "...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves" CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL 1793 pp471-472 "The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. Through the medium of their Legislature they may exercise all the powers which previous to the Revolution could have been exercised either by the King alone, or by him in conjunction with his Parliament;..." Lansing v. Smith, 4 Wendell 9 (N.Y.) (1829), 21 American Decision 89; 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 1'67; 48 C Wharves Sec. 3, 7.

<sup>16</sup> Hertado v. California, 100 US 516

<sup>17</sup> at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves.... [CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL (1793) pp471-472.] The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. [Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am.Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7.]

72. A qualifying feature of a court of record is that the tribunal is independent of the judge appointed to conduct the proceedings.<sup>18</sup>
73. The magistrate is a person appointed or elected to perform ministerial service in a court of record<sup>19</sup>. His service is ministerial because all judicial functions in a court of record are reserved to the tribunal, and by definition of a court of record, that tribunal must be independent of the magistrate. The non-judicial functions are "ministerial" because they are absolute, certain and imperative, involving merely execution of specific duties arising from fixed and designated facts.
74. At implementation of the Constitution March 4, 1789, the soul of law in America was personal liberty under the common law; to wit; "Personal liberty consists in the power of locomotion, of changing situation, of removing one's person to whatever place one's inclination may direct, without imprisonment or restraint unless by due course of law." William Blackstone and John Innes Clark Hare, cited in John Bouvier, Bouvier's Law Dictionary, Third Revision (Being the Eighth Edition), revised by Francis Rawle (West Publishing Co.: St. Paul, Minn., 1914) (hereinafter "Bouvier's"), p. 1965 (s.v. "Liberty").
75. "Due course of law," supra, is synonymous with "due process of law" and means process according to the law of the land, i.e., the Constitution, interpreted according to the principles of the common law; to wit: "Due process of law is process according to the law of the land. . . ." Mr. Justice Matthews, delivering the opinion of the Court in *Hurtado v. California*, 110 U.S. 516, 533, 3 Sup. Ct. 111, 292, 28 L. Ed. 232 (1884). "Due process of law . . . refers to that law of the land which derives its authority from the legislative powers conferred upon Congress by the Constitution of the United States, exercised within the limits therein prescribed and interpreted according to the principles of the common law. . . ."
76. It is such an imperative that government agents and employees obey procedural law that the congress in its wisdom enacted federal statutes under the "Private Attorney General Act" that permit any individual

<sup>18</sup> Court of Record: A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it [*Jones v. Jones*, 188 Mo.App. 220, 175 S.W. 227, 229; *Ex parte Gladhill*, 8 Metc. Mass., 171, per Shaw, C.J. See, also, *Ledwith v. Rosalsky*, 244 N.Y. 406, 155 N.E. 688, 689][*Black's Law Dictionary*, 4th Ed., 425, 426]

<sup>19</sup> *Long v. Seabrook*, 260 S.C. 562, 197 S.E.2d 659, 662; *Black's Law Dictionary*, Fifth Edition, p 899

American people to serve as “private attorney general” for the purpose of arresting government agents or employees for felonies.

77. The clerk of the court is required to abide by law and cannot use as justification for having committed a crime an order by any court officer, not even the tribunal of the court. For anyone who perpetrates a crime, even though under a purported order, is still guilty of said crime.

78. Eagles has been granted a title of nobility of “esquire” in violation of Article 1, Section 10, clause 1 of the Constitution for the United States of America states, “Clause 1: No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.” As such, Navarro is a foreign agent required to register with the United States government as required by the Foreign Agent Registration Act of 1938. This court has found no evidence of Navarro having done so.

#### **Invalid Oath**

79. Article VI, Clause 3<sup>20</sup> of the Constitution for the United States of America requires “The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, **to support this Constitution; . . .**”

80. The oath that was required up until June 25<sup>th</sup>, 1948 was Constitutional and although changed on said date it was still Constitutional stating, “I, \_\_\_\_\_, do solemnly swear (or affirm), that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as \_\_\_\_\_ according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States. So help me God.”

81. However, on December 1<sup>st</sup>, 1990 Congress materially changed the oath and the oath taken since March 1<sup>st</sup>, 1991 is not a Constitutional Oath as it states, “I, \_\_\_\_\_, do solemnly swear (or affirm) that I will

<sup>20</sup> “The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; . . .” Constitution for the United States of America, Article VI, Clause 3.

administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as \_\_\_\_ **under** the Constitution and laws of the United States. So help me God.”

82. Obviously, the only duties incumbent upon justices and judges of the United States to discharge or perform are provided in the statutes of Congress, i.e., the laws of the United States; the Constitution provides none. As such, the oath is not Constitutional because it does not “support this Constitution”. The oath has materially eliminate the Constitution for the United States of America making every decision made by Eagles since accepting a position on the bench void.

### **III. Impeachment and Writ**

1. THE COURT, HAVING REVIEWED THE FACTS, THE RECORD, AND THE PROCESS BY WHICH THE RULING WAS ISSUED, and finding that Eagles, rendered and filed an order and other document purporting to be an order without leave of court; and finding that the orderly decorum of the court was replaced by defective impromptu process and usurpation of legislative and court powers without leave of court,
2. And acknowledging that a an order is not order at all, but is merely a note for the judge or clerk, and as such, finding the order is not an order requiring vacation,
3. And finding the judge filed an order not authorized by the court,
4. And, desiring that fair justice be served for all parties, defendants, as well as claimants,
5. NOW THEREFORE THE COURT issues this WRIT OF ERROR QUAE CORAM NOBIS RESIDANT, to wit,
6. THE COURT HEREBY IMPEACHES AND RESCINDS all orders by Eagles and court of record to stand as filed on February 22, 2017.
7. IT IS FURTHER ORDERED that the magistrate serve only the function as designated in its ministerial functions and not interfere with the lawful procedure of the court.
8. IT IS FURTHER THE ORDER OF THIS COURT THAT Eagles produce a copy of her oath of office and bond to provide evidence that said oath is Constitutional.

9. IT IS FURTHER THE ORDER OF THIS COURT THAT Eagles produce to the court a copy of her bond.
10. IT IS FURTHER ORDERED, ADJUDGED, and DECREED that any additional rogue interference with court procedures by any officer of this court including the magistrate, court administrator or clerk or any other court of government agency or organization be it corporate or otherwise will be a contempt of the court and perpetrators will be held in contempt, without motion and without hearing.
11. IT IS FURTHER ORDERED, ADJUDGED, and DECREED the magistrate and the defendants are hereby invited to file and serve on all other interested parties and magistrate a brief no later than 10 days from the filing of this writ to show cause to this court why this order is not valid or should be modified. There will be no oral argument. The court, mindful of the rights of the parties and the importance of fair play, will liberally construe the written arguments presented.

Witness the Seal of the Court this 23rd<sup>st</sup> day of March, 2017.

**THE COURT**

The image shows two handwritten signatures in black ink. The first signature is 'Joyce Loney' and the second is 'Harold Loney'. They are written over a horizontal line.

by Joyce Loney and Harold Loney  
Attornatus Privatus

**Certificate of Service**

I, certify that the above documents style Writ of Error Qua Corum Nobis was served upon the entities name below by U.S. First Class Mail:

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